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11

12 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

14 REBECCA L. ROSSMAN, MIRIAM ) CASE NO. 3:11-CV-04192-MEJ  
15 CUMMINGS, CAROLE C. KEHL, and )  
16 KAMAL SONTI, Individually and on Behalf )  
of All Others Similarly Situated, )  
17 Plaintiffs, )  
18 vs. )  
19 APPLE INC.; HACHETTE BOOK GROUP, )  
INC.; HARPERCOLLINS PUBLISHERS, )  
INC.; MACMILLAN PUBLISHERS, INC.; )  
20 PENGUIN GROUP (USA) INC.; and SIMON )  
& SCHUSTER, INC., )  
21 Defendants. )  
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*[Signature]*  
STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
RESPOND TO COMPLAINT

**STIPULATION AND [PROPOSED] ORDER  
TO EXTEND TIME TO RESPOND TO COMPLAINT**

WHEREAS, there have been multiple actions related to this case filed in both the Northern District of California and the Southern District of New York (the “Actions”);

WHEREAS, the Court has entered an order in the first-filed action, *Petru, et al. v. Apple, Inc., et al.* (11-cv-3892 N.D. Cal.) (the "Petru Action"), to extend the time to answer, move or otherwise respond to the complaint until December 15, 2011, without prejudice to the right of any party to seek a further adjustment to the schedule;

9 WHEREAS, for efficiency and convenience of the parties, defendants Hachette  
10 Book Group, Inc., HarperCollins Publishers L.L.C. (incorrectly sued as "HarperCollins Publishers,  
11 Inc."), Holtzbrinck Publishers, LLC d/b/a Macmillan (incorrectly sued as "Macmillan Publishers,  
12 Inc."), Penguin Group (USA) Inc., Simon & Schuster, Inc., and Apple, Inc. (collectively,  
13 "Defendants") have agreed to waive the service of summons and complaint pursuant to Fed. R.  
14 Civ. P. 4(d);

15 WHEREAS, the parties have agreed that the response date in this action should not  
16 come prior to the response date in the *Petru* Action;

17 WHEREAS, Plaintiffs agree that submission of this Stipulation should be without  
18 prejudice to any of Plaintiffs' claims or Defendants' defenses;

19 WHEREAS, there have been no other modifications to Defendants' time to answer,  
20 move or otherwise respond to the complaint in this action;

21 WHEREAS, this stipulation to extend the time within which Defendants have to  
22 answer, move or otherwise respond to the complaint in this action will not alter the date of any  
23 event or any deadline already fixed by Court order;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and  
25 between Plaintiffs and Defendants, as follows:

26                   1. Defendants hereby agree to accept service of the summons and complaint in  
27 the above-captioned action;

2. Pursuant to Civil Local Rule 6-1, 6-2 and 7-12 Defendants' time to answer, move or otherwise respond to the complaint is hereby extended to December 15, 2011, without prejudice to the right of any party to seek a further adjustment to the response date based on future developments;

3. If any of the Defendants that is a party to this Stipulation responds to a complaint in any of the Actions prior to the time provided in this Stipulation, Defendants will respond to the complaint in this action at the same time;

4. None of Plaintiffs' claims or Defendants' defenses are prejudiced or waived by the submission of this Stipulation; and

5. Defense counsel may file notices of appearance in this action without prejudice to their respective clients' jurisdictional or venue defenses.

DATED: November 1, 2011

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I, Raoul D. Kennedy, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order to Extend Time To Respond To Complaint. In compliance with General Order 45, X.B., I attest that each of the following signatories has concurred in this filing.

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30 REBECCA L. ROSSMAN, MIRIAM CUMMINGS,  
31 CAROLE C. KEHL, and KAMAL SONTI

32 PURSUANT TO STIPULATION, IT IS SO ORDERED.

33 Dated: 11/8/11, 2011

34 By:   
35 Hon. Maria-Elena James  
36 U.S. CHIEF MAGISTRATE JUDGE